

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA 08 JAN 28 AM 11:05

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan HERNANDEZ-Media,

Defendant

Magistrate Docket No.

08 MJ 0247

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Expelled Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about **January 24, 2008** within the Southern District of California, defendant, **Juan HERNANDEZ-Media**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY**
2008


 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Juan HERNANDEZ-Media****PROBABLE CAUSE STATEMENT**

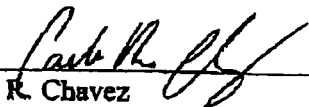
I declare under the penalty of perjury that the following statement is true and correct:

On January 24, 2008, at approximately 11:05 P.M., Border Patrol Agent J. Roman Jr. was working assigned line watch duties in the Imperial Beach Border Patrol Station Area of Operations. Agent Roman was notified by a National Guard Infrared Scope operator via agency radio of three individuals moving north through an area known as the "AMSOD Fields". The "AMSOD Fields" are located approximately two miles west of the San Ysidro, California Port of Entry and approximately one mile north of the United States/Mexico International Boundary Fence. Illegal aliens frequently use this area to further their entry into the United States.

Agent Roman responded to the area where the scope operator had last seen the individuals and conducted a brief search of the surrounding brush and debris in the field. After a short time Agent Roman discovered a single individual attempting to conceal himself among the debris. Based on the proximity to the border, the observations of the scope operator and Agent Roman's personal experience, Agent Roman conducted an immigration inspection. Agent Roman identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. The individual, later identified as the defendant, **JUAN HERNANDEZ-Media**, freely admitted to being a citizen and national of Mexico, illegally present in the United States without any immigration documents that would allow him to enter or remain in the United States legally. Agent Roman placed the defendant under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to on November 29, 1999 through Laredo, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 26, 2008 at 10:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 24, 2008, in violation of Title 8, United States Code, Section 1326.


Peter C. Lewis

United States Magistrate Judge

1-26-08 @ 2:58 pm
Date/Time